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EXAMINER

WU, QING YUAN

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/775,545
Filing Date: February 10, 2004
Appellant(s): HYTTINEN, TARMO

Keith R. Obert
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/23/10 appealing from the Office action mailed 12/30/09.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-21.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2002/0004734 A1	Nishizawa	1-2002
6,167,379	Dean et al.	12-2000
7,458,080 B2	Parker et al.	11-2008

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

- Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishizawa (US Publication 2002/0004734) in view of Dean et al. (hereafter Dean) (US Patent

6,167,379) and further in view of Parker et al. (hereafter Parker) (US Patent 7,458,080).

As to claim 13, Nishizawa teaches the invention substantially as claimed including a method comprising:

receiving a high priority event to be added to a calendar application [received new schedule of ToDo list to be added to a schedule managing program, paragraph 46, line 3-16; paragraphs 55-56; Fig. 4; S3-S4, Fig. 5; Figs. 8A-8B and 10A-11C],

searching possible overlapping events in said calendar application as a response to receiving said high priority event [search and identify overlapping events in the schedule managing program in response to receiving an event that can be of higher priority than existing scheduled event, paragraph 46, lines 16-19; S5, Fig. 5; paragraph 55, lines 5-29; paragraph 56].

Nishizawa does not specifically teach presenting said found one or more overlapping events. However, Dean teaches presenting overlapping events to a user along with one or more processing alternatives for processing the found events [Dean, col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5].

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teaching of automatic handling of conflicting events by Nishizawa with the user initiated conflicting events handling by Dean because of the inadequacy of

computer automated handling of conflicting events in certain situations as those being considered by Dean [Dean, col. 6, lines 12-24 and 26-39], and a person of ordinary skill in the art would be motivated to implement the teaching of Dean to cover every scenarios of event handling such as one that requires human intervention.

Furthermore, Nishizawa and Dean do not specifically teach receiving instructions for silencing alarms of said found one or more overlapping events by one command and silencing the alarms of said found one or more overlapping events. However, Parker teaches silencing alarms of overlapping events by enabling automatic profile switching, the silencing of alarms being achieved while a device is in a specific notification mode as a result of an occurrence of a calendar related event [col. 9, lines 9-45; silencing audible alarms using a profile, col. 6, lines 41-64; Fig. 9].

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Nishizawa and Dean to implement the notification profile of Parker because Nishizawa, Dean and Parker are all in the same field of endeavor relating to management of calendar events. In addition, a person of ordinary skill in the are would be motivated to implement the notification profile mechanism of Parker to the calendar event notification and handling of Nishizawa and Dean to manage notifications/alarms because of the ineffectiveness of preventing inappropriate notification in the conventional art as been considered by Parker [Parker, col. 1, line 28-col. 2, line 26].

As to claim 14, Nishizawa as modified teaches the invention substantially as claimed including comprising adding the received high priority event to the calendar application and processing the one or more overlapping events according to the one or more received processing instructions as a response to a confirmation by a user [adding received high priority event and processing the one or more overlapping events, Nishizawa, pg. 5, paragraphs 54-56; Figs. 9A-11C; processing overlapping events according to received processing instructions from a user, Dean, col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5].

As to claim 15, Nishizawa as modified teaches the method for handling a calendar application as recited in claim 13, therefore, Nishizawa as modified teaches the computer readable medium having a program component comprising a computer program for implementing the method.

As to claim 16, Nishizawa as modified teaches the method for handling a calendar application as recited in claim 13, therefore, Nishizawa as modified teaches the computer readable medium having a program component with instructions for implementing the method.

As to claim 18, Nishizawa as modified teaches the invention substantially as claimed including further comprises removing said overlapping event to a memory block for possible later recovery in case of cancellation of an added high priority event [removed

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overlapping event are moved to a schedule history storing area for possible later recovery, Nishizawa, paragraph 57, lines 5-33; paragraphs 58 and 62].

As to claim 19, it is rejected for the same reason as claim 18 above.

As to claim 20, it is rejected for the same reason as claim 18 above.

As to claim 1, Nishizawa as modified teaches the method for handling a calendar application as recited in claim 13, therefore, Nishizawa as modified teaches a device configured to implementing the method. In addition, Nishizawa as modified teaches a device comprising memory having a calendar application stored and a control unit [memory storing schedule managing module comprising various units, Nishizawa, paragraphs 34-35; Figs. 1-2].

As to claim 2, it is rejected for the same reason as claim 13 above.

As to claim 3, Nishizawa as modified teaches the invention substantially as claimed including wherein said control unit is further configured to command a program component to associate processing alternatives with found overlapping events [presenting overlapping events alone with processing alternatives to user, Dean, col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5].

As to claim 4, Nishizawa as modified teaches the invention substantially as claimed including wherein said control unit is further configured to command a program component to present to a user the found one or more overlapping events with one or more selectable processing alternatives associated to the found one or more overlapping events [presenting overlapping events alone with processing alternatives to user, Dean, col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5].

As to claim 5, Nishizawa as modified teaches the invention substantially as claimed including wherein said control unit is further configured to command a program component to process the found one or more overlapping events according to received processing instructions [Dean, col. 4, line 54-col. 5, line 16; Figs. 3-5].

As to claim 6, Nishizawa as modified teaches the invention substantially as claimed including wherein a high priority event is selectable from a menu of said calendar application [Nishizawa, paragraph 45; Fig. 4].

As to claim 7, this claim is rejected for the same reason as claim 18 above. In addition, Nishizawa as modified teaches recovering found, timely matching, previously removed, overlapping events to the calendar application [Nishizawa, paragraph 57, lines 5-33; paragraphs 58 and 62].

As to claim 8, Nishizawa as modified teaches the invention substantially as claimed including wherein said control is for comparing time associated to the high priority event to a respective time of said calendar application for finding possible overlapping events from the calendar application [Nishizawa, abstract; paragraphs 54-56].

As to claim 9, Nishizawa as modified teaches the invention substantially as claimed including wherein said calendar application is situated in said device using said calendar application [Nishizawa, paragraph 34; paragraph 35, lines 1-8; Fig. 1; Dean, abstract].

As to claim 10, Nishizawa as modified teaches the invention substantially as claimed including wherein said calendar application is situated in a remote device being connected to said device using the calendar application [Dean, abstract; col. 3, line 52-col. 4, line 41].

As to claims 11-12, Nishizawa as modified teaches the invention substantially as claimed including wherein the received high priority event is recognized by the control unit of the device/the calendar application [schedule processing unit/managing module executed by a CPU receiving the input and subsequently manipulating the calendar, Nishizawa, paragraph 35; paragraph 46, lines 13-25; 28, 32, Fig. 2].

As to claim 17, it is rejected for the same reason as claim 18 above.

As to claim 21, Nishizawa as modified teaches the method and device for handling a calendar application as recited in claims 1 and 13, therefore, Nishizawa as modified teaches a device comprising means for implementing the method.

(10) Response to Argument

a. Claim rejections under 35 U.S.C. 103(a)

i. Claim 13

Appellant argued (Brief pages 4-6) that the cited references, alone or in combination failed to disclose or suggest “receiving instructions for silencing alarms of the found one or more overlapping events by one command, and silencing the alarms of the one or more overlapping events” because “notification profiles are not specific to found one or more overlapping events” (Brief page 4, 1st and 2nd paragraphs) and that the “teachings of Parker are incompatible with the teachings of Dean, and therefore there would be no motivation to combine the teachings of Parker and Dean” (Brief page 4, 3rd paragraph) “because the teachings of the references would be modified to render the references unsuitable for their intended purposes” such that the teachings of Parker would make the teachings of Dean irrelevant (Brief page 5, 2nd paragraph thru page 6, 1st paragraph).

The Examiner respectfully disagrees. As being taught by Parker, notification events such as reminders [Parker, col. 1, lines 29-30; col. 10, lines 28-30] that occurred

during which a “meeting” or “off” profile is set effectuating a notification mode (i.e. silent mode) are overlapped by the duration of time of the “meeting” event the profile applies to (i.e. indicating a “meeting” event in progress) therefore, the notification events are known, thus found to be overlapped, notification events are all silenced by the act of setting or choosing the profile manually or automatically (i.e. by a single command) [Parker, col. 9, lines 9-45; silencing audible alarms using a profile, col. 6, lines 41-64; Fig. 9], at the end of the “meeting” event the notification mode is switched back (i.e. to a normal mode that is non-silent) [Parker, col. 9, lines 44-47; col. 9, line 63-col. 10, line 11], which clearly satisfied the limitation above. For example, if a meeting is schedule from 1 pm to 2 pm in which the “meeting” profile is activated effectuating a notification mode (i.e. silent mode) for the meeting, reminders (audible notifications) that are found or known to occurred between 1 pm and 2 pm are silenced based on the teaching of Parker [Parker, col. 9, line 63-col. 10, line 11]. As to appellant’s argument that “notification profiles are not specific to found one or more overlapping events”, Parker’s teaching of silencing of all notifications when a profile is applied nonetheless includes silencing the overlapped events such as reminders [Parker, col. 6, lines 41-64], which are known, thus found. As to appellant’s argument that “teachings of Parker are incompatible with the teachings of Dean”, the combination of Parker and Dean does not render Dean unsuitable for its intended purpose of presenting scheduling conflicts. Parker's profile selection are implemented because the user, knowing that he/she will be interrupted during the duration of an event (i.e. a meeting) by other events such as reminders ahead of time [Parker, col. 1, lines 29-30 and 45-57; col. 10, lines 28-30],

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would benefit by presenting the user with visual information of overlapping events prior to the selection of a specific profile for silencing the overlapping events [Parker, col. 6, lines 24-64] as being disclosed by Dean [Dean, presenting of overlapping events for user selection col. 4, lines 54-59; Fig. 3; 46, Fig. 4; 60, Fig. 5]. Therefore, the combination of Parker and Dean would not make the teachings of Dean irrelevant.

ii. Claims 14-16 and 18-20

These claims were not separately argued.

iii. Claims 1 and 21

These claims were not separately argued.

iv. Claims 2-12 and 17

These claims were not separately argued.

(11) Related Proceeding(s) Appendix

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/QING-YUAN WU/

Primary Examiner, Art Unit 2194

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August 20, 2010

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